

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIRECCIÓN DE NUEVAS CREACIONES

E. _____ S. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 12-056222- -00007-0000

Fecha: 2013-04-08 16:34:23 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve. 378 FASENACIONALI
Act. 412 REPOSPRESRECU Folios: 24

Medellín
a Múnera

Re: Expediente N° 12-056.222

Solicitud de Patente de Invención titulada: “DERIVADOS DE PIRAZOL QUE
MODULAN LA ESTEAROIL-COA-DESATURASA”

Solicitante: NOVARTIS AG y XENON PHARMACEUTICALS INC.

Nuestra Ref.: P2012/000022

RECURSO DE REPOSICIÓN

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, D.C., identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de las solicitantes, por medio del presente escrito, y dentro del término legal previsto por el artículo 51 del Código Contencioso Administrativo, interpongo RECURSO DE REPOSICIÓN en contra de la Resolución 5082 del 19 de febrero de 2013, notificada por edicto desfijado el pasado 1 de abril.

I. ANTECEDENTES

1. La presente solicitud de patente fue radicada ante la División de Nuevas Creaciones el día 03 de abril de 2012.
2. Siguiendo con el trámite previsto en el artículo 38 de la Decisión Andina 486 de 2000, el 19 de abril de 2012 la División de Nuevas Creaciones profirió un requerimiento de forma mediante Oficio 6340, en el cual requirió del solicitante que se aportara el documento de cesión del derecho de los inventores al solicitante de la patente.
3. Lo anterior pese a que el solicitante que figura en la publicación internacional WO2011/039358 fueron NOVARTIS AG y XENON PHARMACEUTICALS INC. Lo

anterior, consta en el documento de prioridad de la solicitud disponible en la página de la OMPI (Ver ANEXO I).

4. La posición oficial de Colombia ante la Oficina Internacional de la OMPI para patentes PCT es la de NO exigir documento de cesión para entrada en fase nacional cuando quiera que no hubiese modificación del nombre del solicitante desde la fecha de inicio de fase internacional hasta la radicación en fase nacional tal y como sucede en este caso. (Ver ANEXO II).

5. En el presente caso, incluso revisados los documentos de prioridad disponibles en la OMPI¹, se observa claramente que los titulares de la solicitud y cesionario de derechos de los inventores es exclusivamente **NOVARTIS AG y XENON PHARMACEUTICALS INC.**

6. Pese a esto, con el fin de agilizar el trámite administrativo, el día 13 de junio de 2012, estando dentro del término legal, procedí en nombre de mi representada a dar respuesta al requerimiento efectuado, para lo cual de buena fe aporté debidamente traducidas y legalizadas mediante apostilla las cesiones correspondientes de NATALIE DALES, JIANMIN FU, QI JIA, SHAOYI SUN y ZAIHUI ZHANG a **NOVARTIS AG y XENON PHARMACEUTICALS INC.**, no siéndole posible aportar en ese instante la cesión correspondiente de NATALIE POKROVSKAIA a **NOVARTIS AG y XENON PHARMACEUTICALS**, por cuanto no fue posible localizarla para que firmara el documento correspondiente. Sin embargo, procedimos a presentar una Declaración Juramentada por parte del señor Thong Trinh, Director de Propiedad Intelectual para **XENON PHARMACEUTICALS INC.**, quien declaró sobre la existencia del contrato laboral que existía entre esa compañía y la señora POKROVSKAIA, por medio del cual esta quedaba obligada a ceder cualquier solicitud de patente a favor de **XENON PHARMACEUTICALS INC.**

7. Sorprendentemente, el pasado 1 de abril, nos fue notificada la Resolución 5082 del 19 de febrero de 2013, mediante la cual su Despacho decidió declarar abandonada la solicitud de patente al considerar que la respuesta al examen de forma *“no satisface las exigencias de carácter jurídico allí contenidas, teniendo en cuenta que no se aportó el documento el documento en el que consta la cesión de NATALIA POKROVSKAIA a favor de los solicitantes, conforme lo establece el artículo 26 de la Decisión 486...”*.

¹ Disponible en:

[http://www.wipo.int/patentscope/search/en/detail.jsf?docId=WO2008086122&recNum=1&tab=PCTDocuments&maxRec=1&office=&prevFilter=&sortOption=&queryString=FP:\(pct/us2008/050149\)](http://www.wipo.int/patentscope/search/en/detail.jsf?docId=WO2008086122&recNum=1&tab=PCTDocuments&maxRec=1&office=&prevFilter=&sortOption=&queryString=FP:(pct/us2008/050149))

II. OBJETO DEL RECURSO

Se pretende con el presente recurso que se revoque la Resolución No. 5082, habida cuenta que de la actuación del solicitante no se puede inferir un abandono de la solicitud ya que éste ha cumplido de buena fe con los requisitos exigidos por la legislación colombiana para dar aplicación al Tratado de Cooperación en materia de Patentes, interpretados coherentemente con aquellos expresados por la Oficina Receptora colombiana oficialmente ante la Oficina Internacional de la OMPI (Ver ANEXO II).

III. FUNDAMENTO DEL RECURSO

1. Este recurso se fundamenta en la posición oficial de la República de Colombia ante la Oficina Internacional de la OMPI para solicitudes PCT incluida en la Guía de Solicitantes PCT en fase nacional, la cual adjunto para la pronta referencia de su Despacho como ANEXO II.

2. En esta guía se observa cómo, claramente, al referirse a los requerimientos especiales de la Oficina (colombiana) de conformidad con la Regla 51 bis del PCT, ésta sólo solicitará una copia del documento de traspaso de la solicitud internacional *si el solicitante ha cambiado después de la fecha de solicitud internacional.*

“Special requirements of the Office (PCT Rule 51bis)

Name and address of the inventor if they have not been furnished in the
“Request” part of the international application (3)

Document evidencing a change of name of the applicant if the change
occurred after the international filing date and has not been reflected in a
notification from the International Bureau (Form PCT/IB/306)

**Instrument of assignment of the international application IF the
applicant has changed after the international filing date.**

Appointment of an agent if the applicant is not resident in Colombia.”

(3) This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

Traducido al español y para su pronta referencia, el gobierno colombiano manifestó formalmente al momento de implementar el PCT, que los requerimientos especiales de su oficina receptora se limitarían a:

Nombre y dirección del inventor si estos no habían sido incorporados en la solicitud internacional.

Documento que evidencie un cambio en el nombre del solicitante si el cambio ocurre después de la fecha de solicitud internacional y no ha sido reflejado en una notificación de la Oficina Internacional (Formulario PCT/IB/306).

Documento de cesión de la solicitud internacional SI el solicitante ha cambiado después de la fecha de solicitud internacional.

Designación de un agente si el solicitante no es residente en Colombia.

3. Nótese que el gobierno colombiano además de manifestar que no exigiría un documento de cesión a menos que hubiese un cambio de solicitante desde la fecha de la solicitud internacional hasta la fecha de entrada en fase nacional, hace referencia mediante nota al pie de página número 3 a la posibilidad de utilizar una declaración de aquellas permitidas por la Regla PCT 4.17² para el evento en el que por alguna razón no se hubiese incluido el nombre del inventor o de uno de los inventores como parte de la solicitud internacional.

4. En el presente caso, es evidente de los documentos aportados al expediente, así como de aquellos a los que la División de Nuevas Creaciones tiene acceso mediante sus bases de datos,

² Reglamento PCT. Regla 4.17. "Declaraciones relativas a las exigencias nacionales mencionadas en la Regla 51bis.1.a)i) a v)

A los efectos de la legislación nacional aplicable en uno o más Estados designados, el petitorio podrá contener una o más de las siguientes declaraciones, redactadas en la forma establecida en las Instrucciones Administrativas:

i) una declaración sobre la identidad del inventor, como se menciona en la Regla 51bis.1.a)i);
ii) una declaración sobre el derecho del solicitante, en la fecha de presentación internacional, para solicitar y que se le conceda una patente, como se menciona en la Regla 51bis.1.a)ii);
iii) una declaración sobre el derecho del solicitante, en la fecha de presentación internacional, a reivindicar la prioridad de la solicitud anterior, como se menciona en la Regla 51bis.1.a)iii);
iv) una declaración sobre la calidad de inventor, como se menciona en la Regla 51bis.1.a)iv), que será firmada en la forma establecida por las Instrucciones Administrativas; (...)"

que los únicos solicitantes de la patente siempre han sido **NOVARTIS AG y XENON PHARMACEUTICALS**,

5. La posición de la Oficina Colombiana expresada ante la Oficina Internacional es completamente lógica y además coherente con su legislación interna aplicable, particularmente con el artículo 26, literal k de la Decisión 486, que exige “de ser el caso, copia del documento en el que conste la cesión del derecho a la patente del inventor o su causante”.

6. Una cesión de derechos puede “constar” de muchas formas. De hecho el verbo constar hace referencia al hecho de “ser cierta y manifiesta una cosa”³. En este caso concreto la cesión del derecho del inventor “consta” en múltiples documentos que reposan en el expediente físico aportado o que pueden ser obtenidos de bases de datos a los cuales la División de Nuevas Creaciones tiene acceso sin necesidad de requerir al solicitante. Esto obviamente salvo que el solicitante haya variado con respecto a aquel que figuraba en la solicitud internacional. Si el solicitante ha variado en ese lapso de tiempo, es perfectamente razonable que la División de Nuevas Creaciones requiera de elementos adicionales que le den certeza con respecto a la titularidad del derecho y en esa medida exija documentos que le aclaren cualquier duda, como puede ser, entre otras manifestaciones, una declaración en el marco de la Regla 4.17 del PCT, o cualquier otro documento que acredite una cesión de derechos como lo establece la Circular Única, Título X, Capítulo V, numeral 5.2.17, que afirma que la Oficina Nacional tendrá en cuenta estas declaraciones “en la medida en que indiquen claramente una cesión de derechos del inventor”.

7. De acuerdo con el artículo 3 del C.C.A., vigente para este caso, uno de los principios orientadores de las actuaciones administrativas radica en su eficacia, para lo cual debe entenderse que los procedimientos deben lograr su finalidad, removiendo el funcionario público de oficio los obstáculos puramente formales. Esto, unido al hecho de que el solicitante ha actuado en todo momento de buena fe, determinan que la sanción de abandono impuesta por Resolución recurrida, y que es irreversible en materia de patentes, debe ser revocada, máxime teniendo en cuenta que incluso, si así lo considerara pertinente, este tipo de problemas formales pueden requerirse en cualquier momento del trámite, incluso cuando la solicitud es estudiada de fondo en su patentabilidad de conformidad con lo dispuesto en el artículo 45 de la Decisión 486.

³ Diccionario de la Lengua Española, Real Academia Española, Vigésima Edición 1984, Tomo I, página 365.

IV. PETICIÓN

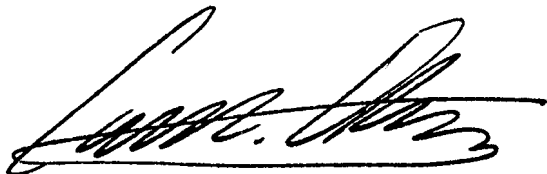
Por las razones expuestas, atentamente solicito a su Despacho que revoque la determinación de declarar el abandono de la solicitud, para en su lugar proferir una Resolución en la que permita la continuación del trámite ordenando su publicación.

Igualmente, se solicita a su Despacho ratificar la posición expresada oficialmente ante la Oficina Internacional de la OMPI para trámites de patente PCT en fase nacional en Colombia (ANEXO I), en el sentido de NO exigir documentos en los que conste la cesión cuando quiera que no haya cambios en el solicitante desde que realiza la solicitud internacional, hasta el momento de la solicitud de entrada en fase nacional. Esto, con el fin de garantizar la seguridad jurídica del solicitante, y la confianza legítima que este tiene en las manifestaciones expresas realizadas por el Gobierno colombiano ante la Oficina Internacional.

V. NOTIFICACIÓN

Recibiré notificaciones en mis oficinas ubicadas en la Carrera 5 No. 34-03, Bogotá D.C.

Atentamente,



CARLOS R. OLARTE
C.C. No. 79.782.747 de Bogotá
T.P. 74.295

ANEXO A
87

Document made available under the Patent Cooperation Treaty (PCT)

International application number: PCT/EP2010/064672

International filing date: 01 October 2010 (01.10.2010)

Document type: Certified copy of priority document

Document details: Country/Office: US
Number: 61/247,634
Filing date: 01 October 2009 (01.10.2009)

Date of receipt at the International Bureau: 17 December 2010 (17.12.2010)

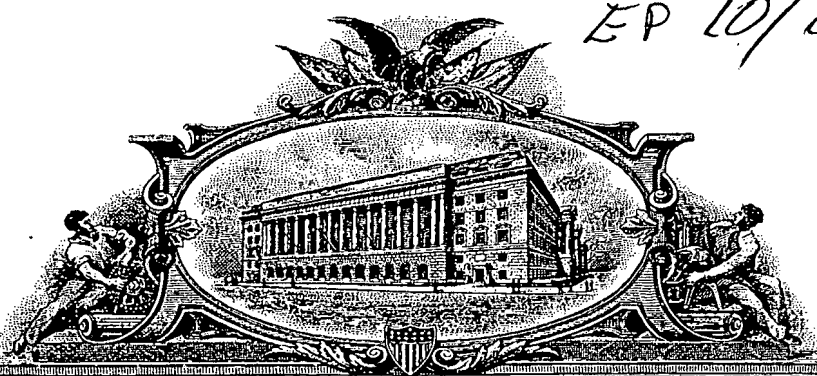
Remark: Priority document submitted or transmitted to the International Bureau in compliance with Rule 17.1(a),(b) or (b-*bis*)



World Intellectual Property Organization (WIPO) - Geneva, Switzerland
Organisation Mondiale de la Propriété Intellectuelle (OMPI) - Genève, Suisse

EP 10/64672 X 8

PA 1811082



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

August 24, 2010

**THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM
THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK
OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT
APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A
FILING DATE UNDER 35 USC 111.**

**APPLICATION NUMBER: 61/247,634
FILING DATE: October 01, 2009**

**THE COUNTRY CODE AND NUMBER OF YOUR PRIORITY
APPLICATION, TO BE USED FOR FILING ABROAD UNDER THE PARIS
CONVENTION, IS US61/247,634**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



T. Wallace
T. WALLACE
Certifying Officer

9

Electronic Acknowledgement Receipt	
EFS ID:	6184337
Application Number:	61247634
International Application Number:	
Confirmation Number:	2255
Title of Invention:	ORGANIC COMPOUNDS
First Named Inventor/Applicant Name:	Natalie DALES
Customer Number:	75074
Filer:	Theresa Ann Devlin/Melissa Ponziano
Filer Authorized By:	Theresa Ann Devlin
Attorney Docket Number:	53668-US-PSP
Receipt Date:	01-OCT-2009
Filing Date:	
Time Stamp:	13:04:52
Application Type:	Provisional

Payment information:	
Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$220
RAM confirmation Number	14977
Deposit Account	504409
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

10

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Provisional Cover Sheet (SB16)	ProvisionalCSigned.pdf	679320 bdc7b39c711b436498a8e8b6d2d2fec2994c98c6	no	3

Warnings:

This is not a USPTO supplied Provisional Cover Sheet SB16 form.

Information:

2	Application Data Sheet	ADSigned.pdf	1551431 c0d074c804b945307789378d5d812f149f62e261	no	5
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Warnings:

Information:

This is not an USPTO supplied ADS fillable form

3	Specification	53668-US-PSP.pdf	5839414 4dd8ef956400ef83aeed5ad465496d88fef1bc14	no	107
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Warnings:

Information:

4	Fee Worksheet (PTO-875)	fee-info.pdf	29355 h188076db67359ce3d3eb2c9be11876d32d6e90e	no	2
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Warnings:

Information:

Total Files Size (in bytes): 8099520

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Provisional Application for Patent Cover Sheet

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c)

Inventor(s)

Inventor 1

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Natalie		Dales	Cambridge	MA	US

Inventor 2

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Jianmin		Fu	Coquitlam	BC	CA

Inventor 3

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Qi		Jia	Burnaby	BC	CA

Inventor 4

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Natalie		Pokrovskaja	New Westminster	BC	CA

Inventor 5

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Shaoyi		Sun	Coquitlam	BC	CA

Inventor 6

[Remove](#)

Given Name	Middle Name	Family Name	City	State	Country
Zaihui		Zhang	Vancouver	BC	CA

All Inventors Must Be Listed – Additional Inventor Information blocks may be generated within this form by selecting the Add button.

[Add](#)

Title of Invention: ORGANIC COMPOUNDS

Attorney Docket Number (if applicable): 53668-US-PSP

Correspondence Address

Direct all correspondence to (select one):

☒ The address corresponding to Customer Number ☐ Firm or Individual Name

1112

Doc Code: TR.PROV
Document Description: Provisional Cover Sheet (SB16)

PTO/SB/16 (04-07)
Approved for use through 08/30/2010 OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Customer Number	75074
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The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.	
☒ No.	
☐ Yes, the name of the U.S. Government agency and the Government contract number are:	

Doc Code: TR PROV

Document Description: Provisional Cover Sheet (SB16)

PTO/SB/16 (04-07)

Approved for use through 05/30/2010 OMB 0851-0332
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Entity Status

Applicant claims small entity status under 37 CFR 1.27

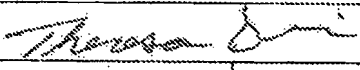
- ☐ Yes, applicant qualifies for small entity status under 37 CFR 1.27
☒ No

Warning

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Please see 37 CFR 1.4(d) for the form of the signature.

Signature:				Date (YYYY-MM-DD)	2009-10-01
First Name	Theresa	Last Name	Devlin	Registration Number (If appropriate)	45361

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in handling the provisional application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	53688 US-PSP
		Application Number	
Title of Invention	ORGANIC COMPOUNDS		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Natalie		Dales	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Cambridge	State/Province	MA	Country of Residence US
Citizenship under 37 CFR 1.41(b) i		US		
Mailing Address of Applicant:				
Address 1		400 Technology Square		
Address 2				
City	Cambridge	State/Province	MA	
Postal Code	02139	Country	US	
Applicant 2				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Jianmin		Fu	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City		Country Of Residence	CA	
Citizenship under 37 CFR 1.41(b) i		US		
Mailing Address of Applicant:				
Address 1		3170 Quintette Crescent		
Address 2				
City	Coquitlam	State/Province	BC	
Postal Code	V3E3B6	Country	CA	
Applicant 3				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Qi		Jia	
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service				
City		Country Of Residence	CA	

EFS Web 2.2.2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number 53668 US-PSP	
		Application Number	
Title of Invention	ORGANIC COMPOUNDS		
Citizenship under 37 CFR 1.41(b) i CA			
Mailing Address of Applicant:			
Address 1		7633 Buller Avenue	
Address 2			
City	Burnaby	State/Province	BC
Postal Code	V5J 5M5	Country	CA
Applicant 4			
Applicant Authority ☒ Inventor ☐ Legal Representative under 35 U.S.C. 117 ☐ Party of Interest under 35 U.S.C. 118			
Prefix	Given Name	Middle Name	Family Name Suffix
	Natalia		Pokrovskaja
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service			
City		Country Of Residence	CA
Citizenship under 37 CFR 1.41(b) i		CA	
Mailing Address of Applicant:			
Address 1		#202-335 Carnation Street	
Address 2			
City	New Westminster	State/Province	BC
Postal Code	V3L 1B9	Country	CA
Applicant 5			
Applicant Authority ☒ Inventor ☐ Legal Representative under 35 U.S.C. 117 ☐ Party of Interest under 35 U.S.C. 118			
Prefix	Given Name	Middle Name	Family Name Suffix
	Shaoyi		Sun
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service			
City		Country Of Residence	CA
Citizenship under 37 CFR 1.41(b) i		CA	
Mailing Address of Applicant:			
Address 1		#5-1200 Brunette Avenue	
Address 2			
City	Coquitlam	State/Province	BC
Postal Code	V3K 1G3	Country	CA
Applicant 6			
Applicant Authority ☒ Inventor ☐ Legal Representative under 35 U.S.C. 117 ☐ Party of Interest under 35 U.S.C. 118			
Prefix	Given Name	Middle Name	Family Name Suffix
	Zaihui		Zhang
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service			
City		Country Of Residence	CA
Citizenship under 37 CFR 1.41(b) i		CA	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	53668 US-PSP	
		Application Number		
Title of Invention	ORGANIC COMPOUNDS			
Mailing Address of Applicant:				
Address 1	4038 MacDonald Street			
Address 2				
City	Vancouver	State/Province	BC	
Postal Code	V6L 2N9	Country	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence information of this application.			
Customer Number	75074		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	ORGANIC COMPOUNDS		
Attorney Docket Number	53668 US-PSP	Small Entity Status Claimed	☐
Application Type	Provisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	75074		

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	53668 US-PSP
		Application Number	
Title of Invention	ORGANIC COMPOUNDS		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove			
Application Number	Country 1	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1				
If the Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information:

Address 1			
Address 2			
City	State/Province		
Country 1	Postal Code		
Phone Number	Fax Number		
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	53668 US-PSP
		Application Number	
Title of Invention	ORGANIC COMPOUNDS		

Domestic Benefit/National Stage Information:

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Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.

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Remove			
Application Number	Country	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No

Additional Foreign Priority Data may be generated within this form by selecting the Add button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information:

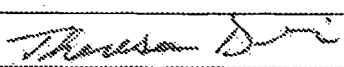
Address 1			
Address 2			
City	State/Province		
Country	Postal Code		
Phone Number	Fax Number		
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	53668 US-PSP
		Application Number	
Title of Invention	ORGANIC COMPOUNDS		
Signature			Date (YYYY-MM-DD) 2009-10-01
First Name	Theresa	Last Name	Devlin
		Registration Number	45361

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ANEXO 2
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**SUPERINTENDENCE OF INDUSTRY
AND COMMERCE (COLOMBIA)**
AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees Annex CO.I

List of abbreviations:

Office: Superintendence of Industry and Commerce (Colombia)
CAC Decision 486: Decision 486 of the Commission of the Andean Community
CCo: Code of Commerce
CPC: Civil Procedure Code

SUMMARY

Designated
(or elected) Office

SUMMARY

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SUPERINTENDENCE OF INDUSTRY
AND COMMERCE (COLOMBIA)

CO

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Spanish
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	A copy is required only if the applicant expressly requests early commencement of the national phase at a time when the Office has not been sent a copy of the international application from the International Bureau under PCT Article 20.
National fee: ¹	Currency: Colombian peso (COP) For patent: Filing fee: COP 400,000 For utility model: Filing fee: COP 235,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ²	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ³ Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306) Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent if the applicant is not resident in Colombia
Who can act as agent?	Any attorney registered in Colombia
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)?	No

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1). The Office or the agent should be consulted for the latest applicable fee amount.
² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.
³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

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THE PROCEDURE IN THE NATIONAL PHASE

CO.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

CO.02 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CO.I.

CCo Art. 543
CPC Art. 63
67

CO.03 REPRESENTATION. If the applicant is not resident in Colombia, an agent must be appointed by filing a simple power of attorney. Any attorney registered in Colombia may act as agent.

CAC Decision 486
Art. 26(h)

CO.04 COPIES OF ACCESS CONTRACTS. Where the products or processes for which a patent is sought are obtained or developed from genetic materials or from their derivatives, the origin of which is one of the Member States of the Andean Pact, a copy of the access contract must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486
Art. 26(i)

CO.05 COPIES OF LICENSES OR AUTHORIZATIONS TO USE TRADITIONAL KNOWLEDGE. Where the products or procedures for which protection is sought are obtained or developed from traditional knowledge the origin of which is one of the Member States of the Andean Pact, a copy of the document licensing or authorizing use of traditional knowledge of indigenous, African American or local communities of the Member States of the Andean Pact must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486
Art. 26(j)
29

CO.06 CERTIFICATE OF DEPOSIT OF BIOLOGICAL MATERIAL. Where the invention refers to a product or a process involving biological material and the invention cannot be understood and carried out, as described, by a person skilled in the art, a certificate of deposit of the biological material must be furnished.

CAC Decision 486
Art. 44

CO.07 EXAMINATION. The Office examines patent applications as to substance, upon request made by the applicant within three months after publication of the application by the Office, and subject to the payment of a special fee. If that period elapses without the applicant having requested the examination, the application shall be considered to have been abandoned. The request must be accompanied by the receipt of the fee paid.

PCT Art. 28
41
CAC Decision 486
Art. 34

CO.08 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may, at any time during the processing, request the modification of the application, provided that the scope of the subject matter of the application is not broadened thereby.

CAC Decision 486
Art. 80

CO.09 ANNUAL FEES. After a patent has been granted, annual fees shall be paid in advance in order to keep the patent in force. The deadline for the payment of each annual fee shall be the last day of the month having the same name as the month of the international filing date. Two or more annual fees may be paid in advance. Annual fees may be paid within a grace period of six months after the starting date of the corresponding annual period, together with the prescribed surcharge. The patent shall remain in force during the grace period. Failure to pay an annual fee shall result in the legal lapsing of the patent.

(14 January 2010)

CAC Decision 486
Art. 39

CO.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. If the applicant fails to comply with the applicable requirements prescribed by the national law upon entry into national phase, the Office will invite the applicant to comply within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

PCT Art. 25
PCT Rule 51

CO.11 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denied an error or omission on the part of the receiving Office, an appeal against this decision may be lodged with the Office within a period of two months following the date of notification.

PCT Art. 4(3)
43
PCT Rule 49bis.1
(a), (b)
76.5

CO.12 UTILITY MODEL. If the applicant wishes to obtain a utility model patent instead of a patent in Colombia on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

FEES

(Currency: Colombian peso)

Patents

Filing fee	400,000
Fee for requesting examination	
-- where an international search report has been established	335,000
-- where an international preliminary examination report has been established	168,000
Fee for extension of time limits or additional time limit	60,000
Fee for amendment or correction of application	82,000
Fee for filing an opposition	212,000
Annual fees:	
-- per year	208,000
-- surcharge for late payment during grace period	260,000

Utility models

Filing fee	235,000
Fee for requesting examination	
-- where an international search report has been established	224,000
-- where an international preliminary examination report has been established	112,000
Fee for extension of time limits or additional time limit	60,000
Fee for amendment or correction of application	82,000
Fee for filing an opposition	212,000
Annual fees:	
-- per year	123,000
-- surcharge for late payment during grace period	154,000

The complete list of national fees for the Office is in *Resolución 41687* of December 24, 2002. These fees will be re-calculated on an annual basis according to the rate of inflation applicable to the year they will be in force.

How can payment of fees be effected?

All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the category of fee being paid.

The payment of fees must be effected in Colombian pesos in cash, by check, bank giro or bank transfer to bank account No. 050-00110-6, at Banco Popular, Sucursal Bogotá. Name of account: D.T.N. Recaudo Superintendencia de Industria y Comercio. Recaudo Nacional. Código Rentístico 01.